

FILED
JUN 07 2010

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

GPK,

CV 08-62-PK

OPINION AND
ORDER

Plaintiff,

v.

ARCHDIOCESE OF PORTLAND
IN OREGON, and ROMAN
CATHOLIC ARCHBISHOP OF PORTLAND
IN OREGON,

Defendants.

PAPAK, Magistrate Judge:

Plaintiff GPK filed this action against defendants Archdiocese of Portland in Oregon (the "Archdiocese") and Roman Catholic Archbishop of Portland in Oregon (the "Archbishop") on January 11, 2008. This court has jurisdiction over GPK's action pursuant to 28 U.S.C. § 1334(b),

based on the relatedness of these proceedings to *In re Roman Catholic Archbishop of Portland* ("RCAP"), 04-37154, a case arising under Title 11 of the United States Code. Specifically, this action is subject to the future claims trust provided for in the Third Amended and Restated Joint Plan of Reorganization (the "Plan") confirmed in *RCAP*, which, in relevant part, sets a \$20 million cap on the total funds available to pay all claims made against the Archdiocese through 2023.

Now before the court is defendants' unopposed motion (#69) to approve the settlement of this case and to approve payment from the future claims trust. For the reasons set forth below, the motion is granted and the settlement is approved.

The parties underwent mediation of their dispute on multiple occasions from 2008-2010, with a final settlement signed on May 13, 2010. Under the terms of the reported settlement, GPK will receive \$10,000 from the future claims trust. Pursuant to section 6.4.5 of the Plan, the parties' settlement, and therefore payment to GPK out of the future claims trust, is subject to this court's approval.

Section 11.8 of the Plan requires that notice of any motion to approve a settlement subject to the future claims trust be served on all plaintiffs with pending or otherwise unpaid claims against the Archdiocese and Archbishop, Future Claimants Representative David A. Foraker, and Known Tort Claims Trustee and Future Claims Trustee Union Bank of California. Section 11.8 further provides that all notified parties must be provided at least 20 days (plus an additional 3 days if notice is served by mail) in which to file objections, if any, to any such motion.

On May 14, 2010, defendants served the requisite notice by mail on all of the necessary parties. The period for filing objections to this court's approval of the parties' settlement lapsed

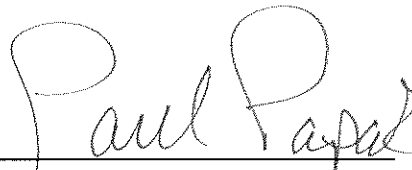
June 6, 2009. No objection to this motion has been filed.

In the absence of objection by any interested party, and in consideration of the size of the payment at issue relative to the amount remaining in the future trust fund, I find no reason exists to refuse approval of the parties' settlement. Defendants' motion is therefore granted, and the parties' settlement approved.

CONCLUSION

For the reasons set forth above, the motion (#69) to approve the settlement of this case and to approve payment from the future claims trust is granted, the settlement agreed to by the parties is approved, and payment to GPK of \$10,000 from the future claims trust is authorized.

Dated this 7th day of June, 2010.

A handwritten signature in black ink that reads "Paul Papak". The signature is written in a cursive style with a large, looped "P" at the beginning.

Honorable Paul Papak
United States Magistrate Judge